

National Environmental  
Laboratory **Accreditation**  
Conference

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**CONSTITUTION  
AND BYLAWS**

Approved June 5, 2003  
Effective July 1, 2003

Note that the NELAC standards now have two significant dates: 1) the date the standards were approved at the annual meeting, and 2) the date the standards are effective and must be implemented. This is especially important as some portions of the standards have different effective dates. The approval date is part of the document control header on each page. The cover of each chapter shows both the approval date and the effective date. Changes approved for implementation at a time other than the effective date (on the chapter cover) are noted in the chapter, showing the approved text and its effective date.

**TABLE OF CONTENTS**  
**CONSTITUTION AND BYLAWS**

<b>CONSTITUTION</b>	1
ARTICLE I - GENERAL	1
ARTICLE II - OBJECTIVES	1
A. Forum	1
B. Mechanism	1
C. Consensus	1
D. Uniformity	1
E. Cooperation	1
ARTICLE III - MEMBERSHIP	2
ARTICLE IV - OFFICERS	2
SECTION 1 - NELAC DIRECTOR AND EXECUTIVE SECRETARY	2
A. NELAC Director	2
B. NELAC Executive Secretary	2
SECTION 2 - ELECTIVE OFFICERS	2
A. Eligibility	2
B. Nominations and Elections	2
ARTICLE V - APPOINTIVE OFFICIALS	3
A. Appointment	3
B. Assumption of Office	4
ARTICLE VI - MEETINGS OF NELAC	4
A. Annual Meeting	4
B. Interim Meetings	4
C. Special Meetings	4
D. Rules of Order	4
ARTICLE VII - AMENDMENTS TO THE CONSTITUTION	4
ARTICLE VIII - BYLAWS	5
SECTION 1 - SUPPLEMENTATION OF CONSTITUTION	5
SECTION 2 - AMENDMENTS AND REPEALS OF THE BYLAWS	5
SECTION 3 - RENUMBERING	5
 <b>NOTE:</b> Page #6 Is Reserved As A Spacer.	
<b>BYLAWS</b>	7
ARTICLE I - APPLICATION FOR MEMBERSHIP AND PARTICIPATION	7
SECTION 1 - FORM OF MEMBERSHIP APPLICATION	7
<del>ARTICLE II - MEMBERS' RECORDS</del>	<del>7</del>
<del>    SECTION 1 - TERM OF MEMBERSHIP</del>	<del>7</del>
SECTION 2 - EVIDENCE OF MEMBERSHIP	7

SECTION 3 - PARTICIPATION .....	7
ARTICLE II - USE OF THE INSIGNIA .....	7
ARTICLE III - BOARD OF DIRECTORS .....	7
SECTION 1 - MEMBERSHIP .....	7
SECTION 2 - DUTIES .....	8
ARTICLE IV - DUTIES OF THE OFFICERS .....	8
SECTION 1 - CHAIRPERSON .....	8
SECTION 2 - CHAIRPERSON-ELECT .....	9
SECTION 3 - PAST CHAIRPERSON .....	9
SECTION 4 - NELAC DIRECTOR .....	9
SECTION 5 - NELAC EXECUTIVE SECRETARY .....	9
SECTION 6 - PARLIAMENTARIAN .....	9
ARTICLE V - BOARDS AND COMMITTEES .....	9
SECTION 1 - GENERAL .....	9
SECTION 2 - MEMBERSHIP AND TERMS .....	10
SECTION 3 - DUTIES .....	10
A. Nominating Committee .....	10
B. Membership and Outreach Committee .....	10
C. Standards Review Committee .....	11
D. Proficiency Testing (PT) Board .....	11
SECTION 4 - SPECIAL COMMITTEES, TASK FORCES AND STUDY GROUPS .....	11
SECTION 5 - SUBCOMMITTEES .....	12
ARTICLE VI - STANDARD OPERATING PROCEDURES .....	12
SECTION 1 - GENERAL .....	12
ARTICLE VII - VOTING SYSTEM .....	12
SECTION 1 - HOUSE OF REPRESENTATIVES .....	12
A. Official Designation .....	12
B. Composition .....	12
C. Method of Designation .....	13
SECTION 2 - HOUSE OF DELEGATES .....	13
A. Designation .....	13
B. Requirements .....	13
SECTION 3 - VOTING RULES .....	13
A. Applicability .....	13
B. Quorum .....	13
C. Presentation of Items for Voting .....	13
D. Voting .....	14
SECTION 4 - FLOOR AMENDMENTS .....	15
SECTION 5 - SEATING .....	15
A. Arrangement .....	15
B. Supervision .....	15
SECTION 6 - PROCEDURES .....	15
SECTION 7 - CHANGES IN ORGANIZATION AND PROCEDURE .....	15

<b>Figure 1. Seating Arrangement</b> .....	16
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## CONSTITUTION

### ARTICLE I - GENERAL

This organization ~~conference~~ shall be known as "The National Environmental Laboratory Accreditation Conference" (NELAC) and is sponsored by the United States Environmental Protection Agency (EPA) as a voluntary association of state and federal officials, ~~authorized representatives of Tribal Nations, the Territories, the Possessions of the United States and the District of Columbia who are actively engaged in environmental programs or accreditation of environmental laboratories.~~ The purpose of the organization is to foster the generation of environmental laboratory data of known and documented quality through the adoption of national performance standards for environmental laboratories accredited under the National Environmental Laboratory Accreditation Program (NELAP) and other entities directly involved in the environmental field measurement and sampling process.

### ARTICLE II - OBJECTIVES

The objectives of NELAC are:

#### A. Forum

To provide a national forum for the discussion of all questions related to standards for accreditation of laboratories and other entities directly involved in the environmental field measurement and sampling process.

#### B. Mechanism

To provide a mechanism to establish policy and coordinate activities within NELAC on matters of national and international significance pertaining to standards for accreditation of environmental laboratories and other entities directly involved in the environmental field measurement and sampling process.

#### C. Consensus

To establish a consensus on uniform standards for laboratory accreditation and implementation of those standards by the NELAP recognized accrediting authorities.

#### D. Uniformity

To encourage and promote uniform standards of quality for assessment and accreditation requirements among the ~~various~~ ~~NELAP recognized~~ accrediting authorities.

#### E. Cooperation

To foster cooperation among ~~environmental laboratory~~ ~~NELAP recognized~~ accrediting authorities and regulatory officials, and between them and other entities directly involved in the environmental field measurement and sampling process.

### ARTICLE III - MEMBERSHIP

Membership is limited to officials who are in the employ of the Government of the United States, authorized representatives of Tribal Nations, and officials who are in the direct employ of the States, the Territories, the Possessions of the United States, or the District of Columbia, and who are actively engaged in environmental programs or accreditation of environmental laboratories.

### ARTICLE IV - OFFICERS

The Officers constitute the Board of Directors of NELAC.

#### SECTION 1 - NELAC DIRECTOR AND EXECUTIVE SECRETARY

##### A. NELAC Director

The Director is an employee of EPA, another federal department/agency, or a NELAP recognized accrediting authority, who is conversant with laboratory accreditation.

##### B. NELAC Executive Secretary

The Executive Secretary is an employee of EPA, ~~who has been designated by that agency to serve in this capacity.~~ ~~another federal department/agency or a NELAP recognized accrediting authority, who is conversant with laboratory accreditation.~~

#### SECTION 2 - ELECTIVE OFFICERS

The Elective officers of NELAC shall be:

Chairperson,  
Chairperson -Elect,  
Immediate Past-Chairperson, and  
6 members-at-large, at least two of whom shall be officials of NELAP recognized accrediting authorities.

The consecutive reelection of a Chairperson-Elect is prohibited. ~~The Chair-Elect shall not serve on any committee other than the Board of Directors.~~ Should the Chairperson-Elect for any reason be unable or unwilling to be installed as Chairperson, his/her successor shall be elected in the manner prescribed below. In this event, the newly elected Chairperson-Elect shall be installed as Chairperson.

##### A. Eligibility

Any Member in good standing shall be eligible to hold any office provided that the individual meets the other requirements set forth in the Constitution and Bylaws.

##### B. Nominations and Elections

###### 1. Nominating Committee

The Chair shall appoint a Nominating Committee consisting of the most recent active Past Chairperson ~~as Committee Chair~~, and ~~nine~~ four members to be geographically representative insofar as possible. ~~The committee shall elect its own chairperson.~~

## 2. Nominations

- a. The Nominating Committee shall submit at least one name for each elective office and present its recommendations to NELAC.
- b. Additional nominations for officers may be made from the floor by any Member at the Annual Meeting provided that prior consent of the nominee has been obtained in writing and presented to the presiding officer at the time of the nomination.
- c. At the request of the NELAC Director, Chairperson and/or Board of Directors, the Nominating Committee shall submit a slate of names for consideration to serve on appointed boards, committees, task forces and study groups.

## 3. Elections

Officers shall be elected during a designated session of the Annual Meeting by a formal recorded vote of the Members in attendance and eligible to vote on NELAC motions.

## 4. Terms of Office

- a. The Chairperson, Chairperson-Elect, and Past Chairperson shall serve for a term of two years or until their successors are respectively qualified and elected or appointed. After serving two years as Chairperson-Elect, the incumbent shall succeed to the office of NELAC Chairperson.
- b. The six Board of Directors' members-at-large shall serve initially for 3-year terms; two elected each year.
- c. Any Board of Directors' member-at-large shall be eligible for nomination and re-election to a second consecutive 3-year term, but no member-at-large shall serve more than 6 years consecutively.
- d. All officers shall take office immediately following the close of the Annual Meeting at which they were elected.

## 5. Filling Vacancies

In case of a vacancy in any of the elective offices, the Board of Directors shall fill the office by appointment.

The term of this appointment shall be until the date of the next Annual Meeting, at which time the Members vote to confirm the appointment or elect a candidate to fill the remaining time in the initial term that was vacated.

# ARTICLE V - APPOINTIVE OFFICIALS

## A. Appointment

The NELAC Chairperson shall appoint the Parliamentarian and other officials as needed to conduct activities not covered by elected officials.



## **B. Assumption of Office**

All appointive officials shall take office immediately following appointment and shall serve through the subsequent Annual Meeting of NELAC unless otherwise requested by the NELAC Chairperson.

## **ARTICLE VI - MEETINGS OF NELAC**

Attendance at meetings of NELAC shall be open to the public. Opportunities shall be provided for comments from the attendees.

### **A. Annual Meeting**

An annual meeting shall be held. The agenda for this meeting shall include the election of officers, reports from the various boards, committees, task forces and study groups, other items pertinent to NELAC, and presentation to the membership of pending issues requiring action by vote.

The Annual Meeting may include the presentation of technical papers, discussions, displays, or other events at the discretion of the Board of Directors.

### **B. Interim Meetings**

The NELAC Chairperson is authorized to call interim meetings of the Board of Directors and those Committees designated by the Chairperson to develop the agenda and committee recommendations for presentation and action at the Annual Meeting, and to discuss other issues pertinent to NELAC.

### **C. Special Meetings**

1. The NELAC Chairperson is authorized to call a meeting of the Board of Directors at any time deemed necessary by the Chairperson to be in the best interest of NELAC.
2. Boards, committees, task forces and study groups of NELAC are authorized to hold meetings at times other than the Annual Meeting or Interim Meetings.

### **D. Rules of Order**

The rules contained in the latest version of Robert's Rules of Order shall govern NELAC in all cases to which they are applicable, and in which they are not inconsistent with the Constitution or Bylaws or special rules policies and procedures of NELAC.

## **ARTICLE VII - AMENDMENTS TO THE CONSTITUTION**

This Constitution may be amended, added to, or repealed at any Annual Meeting under normal NELAC procedures. However, proposed changes must be considered by the Board of Directors at least 6 months prior to the Annual Meeting and the general discussion of the proposed changes must be published in the minutes of the Board of Directors' meeting at which said discussion takes place. The proposed changes shall be publicized on the NELAC website no later than 45 calendar days prior to the Annual Meeting and discussed at the general session of the Board of Directors at the Annual Meeting at which said changes shall be voted upon.

Amendments to the Constitution must be approved by a minimum of a two-thirds vote of the Members in attendance at the Annual Meeting in both the House of Representatives and the House of Delegates.

## **ARTICLE VIII - BYLAWS**

### **SECTION 1 - SUPPLEMENTATION OF CONSTITUTION**

This Constitution shall be supplemented by Bylaws which shall detail the methods of operation of NELAC. Such Bylaws shall not be inconsistent with the provisions of the Constitution.

### **SECTION 2 - AMENDMENTS AND REPEALS OF THE BYLAWS**

The Bylaws may be amended, added to, or repealed at any Annual Meeting under normal NELAC procedures. However, proposed changes must be considered by the Board of Directors at least 6 months prior to the Annual Meeting and the general discussion of the proposed changes must be published in the minutes of the Board of Directors' meeting at which said discussion takes place. The proposed changes shall be publicized on the NELAC Website no later than 45 calendar days prior to the Annual Meeting and discussed at the general session of the Board of Directors at the Annual Meeting at which said changes shall be voted upon.

Amendments to the Bylaws must be approved by a majority vote of the Members in attendance at the Annual Meeting in both the House of Representatives and the House of Delegates. Additionally, the minimum number of representatives required to establish a quorum must be present in the House of Representatives.

### **SECTION 3 - RENUMBERING**

The Executive Secretary, NELAC Director and/or the NELAC Chairperson is authorized to renumber the Articles and Sections of the Constitution or Bylaws to accommodate any changes made.



## BYLAWS

### ARTICLE I - APPLICATION FOR MEMBERSHIP AND PARTICIPATION

#### SECTION 1 - FORM OF ~~MEMBERSHIP~~ APPLICATION

A completed registration ~~membership~~ form for the ~~made available at the Interim and Annual Meetings of the National Environmental Laboratory Accreditation Conference (NELAC), in addition to the NELAC website,~~ shall serve as the application for membership in NELAC. ~~The NELAC Director or the NELAC Chair is authorized to make changes to the membership form as required.~~

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#### ARTICLE II - MEMBERS' RECORDS

##### SECTION 1 - TERM OF MEMBERSHIP

Registration for the Annual Meeting shall, for government officials, constitute voting membership of NELAC and shall cover the period from the beginning of one Annual Meeting to the beginning of the next Annual Meeting. ~~Membership in NELAC is restricted to individuals that meet the criteria listed in Article III of the Constitution. Membership constitutes voting privileges in NELAC.~~

##### SECTION 2 - EVIDENCE OF MEMBERSHIP

A signed statement, ~~on the registration membership form of~~ presented at the Annual Meeting, attesting eligibility for membership in either the House of Representatives or the House of Delegates, shall constitute evidence of such membership.

##### SECTION III - PARTICIPATION

Individuals that are not in the employ of the Government of the United States, the Territories and Possessions of the United States or the District of Columbia, a State Government or an authorized representative of a Tribal Nation but are closely affiliated with the environmental laboratory industry, are encouraged to attend meetings and contribute within the guidelines set forth by the Conference. Such individuals shall be referred to as Participants. Participants may express their ideas and opinions in all meetings of the Conference and actively serve on sub-committees, task forces and study groups when nominated to serve. Participants do not have voting privileges in NELAC.

#### ARTICLE II - USE OF THE INSIGNIA

The insignia of NELAC may be used or displayed only for official publications, announcements, and documents of NELAC unless expressly authorized for other use in writing by the Board of Directors of NELAC.

#### ARTICLE III - BOARD OF DIRECTORS

##### SECTION 1 - MEMBERSHIP

- A. The Board of Directors consists of the Director, Executive Secretary, Chairperson of NELAC, ~~Chairperson-Elect~~, the most recent still active Past Chairperson of NELAC, and six at-large members, of which at least two at-large members shall be officials of NELAP recognized accrediting authorities.

- B. The Nominating Committee, in recommending candidates for the Board of Directors, shall consider geographic and organizational representation in its recommendations.
- C. The term of the Board of Directors begins with the adjournment of the Annual Meeting at which its members are elected or appointed. The Chairperson, Chairperson-Elect, and the most recent active Past Chairperson, shall serve two-year terms. Six of the Board of Directors, at least two of whom shall be officials of National Environmental Laboratory Accreditation Program (NELAP) recognized accrediting authorities, are members-at-large for an initial three-year term. Any Board of Directors' member-at-large shall be eligible for nomination and re-election to a second consecutive 3-year term but no member-at-large shall serve more than 6 years consecutively.

## SECTION 2 - DUTIES

- A. The Board of Directors has leadership responsibility for NELAC and is charged with guiding NELAC in its primary mission of adopting national performance standards for the accreditation of environmental laboratories and other entities directly involved in the environmental field measurement and sampling process.
- B. The Board of Directors establishes administrative procedures and policies, and serves as the policy and coordinating body in matters of national and international significance.
- C. The Board of Directors drafts the Constitution and Bylaws of NELAC, and interprets the intent and meaning of the Constitution and Bylaws, presents amendments, proposes changes in organizational structure, and defines roles and responsibilities, as appropriate, for approval of the participants.
- D. The Board of Directors holds accountable, reviews, and approves actions of all boards, cCommittees, task forces and study groups.
- E. The Board of Directors utilizes boards, cCommittees, task forces and study groups to resolve issues related to adoption and implementation of the NELAC standards.
- F. The Board of Directors acts for NELAC in all routine or emergency situations.
- G. The Board of Directors authorizes interim meetings of NELAC boards, cCommittees, task forces and study groups as necessary.
- H. The Board of Directors fills any vacancy in any elective office of NELAC occurring during the term of office.
- I. The Board of Directors annually reviews the work of boards, committees, task forces and study groups to assure that the concerns of the various constituencies are being addressed.

## ARTICLE IV - DUTIES OF THE OFFICERS

### SECTION 1 - CHAIRPERSON

The NELAC Chairperson is the presiding officer at the meetings of NELAC and of the Board of Directors. During his or her term of office, makes appointments to the Committees and appoints other NELAC officials to perform functions not covered by elected offices to serve.

## **SECTION 2 - CHAIRPERSON-ELECT**

The Chairperson-Elect shall:

- A. Serve as acting Chairperson of NELAC and the Board of Directors in the event that the Chairperson is unable to carry out the duties of that office;
- B. Perform other duties assigned by the NELAC Chairperson, including presiding over sessions of the meetings of NELAC and assisting the Chairperson in the discharge of his or her duties; and,
- C. Serve on the Board of Directors.

## **SECTION 3 - PAST CHAIRPERSON**

The most recent still-active Past Chairperson shall serve on the Board of Directors, serve as Chair of the Nominating Committee, and perform other duties assigned by the NELAC Chairperson, including presiding over sessions of the meetings of NELAC and assisting the Chairperson in the discharge of his or her duties.

## **SECTION 4 - NELAC DIRECTOR**

The Director acts as the Chief Administrative Officer of NELAC. The Director is responsible for organizing and supporting meetings of the NELAC membership and meetings of the Board of Directors; responding to requests for information from the public; and performing other administrative duties necessary for the efficient and effective functioning of NELAC. The Director serves as a link to federal, state, and tribal agencies involved in laboratory accreditation and environmental monitoring.

## **SECTION 5 - NELAC EXECUTIVE SECRETARY**

The Executive Secretary is a member of the Board of Directors and serves as secretary to the Board, its committees and to NELAC. As such, the Executive Secretary is responsible for maintaining records of the proceedings of meetings and for maintaining and certifying the lists of persons eligible to vote in the House of Representatives and House of Delegates.

## **SECTION 6 - PARLIAMENTARIAN**

The Parliamentarian shall, when requested by the Chairperson, help in resolving procedural matters at meetings of NELAC. The parliamentarian shall use the latest edition of Robert's Rules of Order and any special rules adopted by NELAC.

# **ARTICLE V - BOARDS AND COMMITTEES**

## **SECTION 1 - GENERAL**

All boards and committees shall report on their activities to the NELAC Board of Directors.

Except as otherwise provided, board and committee members are appointed by the NELAC Chairperson to serve staggered terms on a rotating basis or until a successor is appointed. Except as otherwise provided, on completion of a term, a board or committee member may not again be appointed to the same board or committee for at least one year, unless the NELAC Board of Directors

certifies ~~that~~ an extenuating circumstance exists. ~~Except for the Nominating Committee, Each~~ committee annually selects one of its members to serve as its chair~~person~~, who may succeed himself or herself.

When necessary, an appointment shall be made to ~~any of the~~ ~~board or~~ committee to fill any vacancy for the unexpired portion of the ~~participant's~~ ~~affected board or committee member's~~ term.

## SECTION 2 - MEMBERSHIP AND TERMS

- A. **Nominating Committee.** ~~The NELAC Past-Chairperson is appointed annually to this committee.~~ In addition, ~~nine~~ ~~four~~ Members, at least ~~three~~ ~~two~~ of whom will be officials of a NELAP recognized accrediting authority, shall be appointed annually to serve one year.
- B. **Membership and Outreach Committee.** ~~Ten~~ ~~Five~~ Members, at least ~~three~~ ~~two~~ of whom shall be officials of a NELAP recognized accrediting authority, shall be appointed to staggered five year terms.
- C. **Standards Review Committee.** Each NELAP recognized accrediting authority shall nominate one of its officials to be appointed for a three year term, which may be continually renewed. Ten members who are not officials of NELAP recognized accrediting authorities shall be appointed to staggered five year terms.
- D. **Proficiency Testing (PT) Board.** Seven members, consisting of two federal officials and five state officials, at least three of which shall be from NELAP recognized accrediting authorities, shall be appointed for a five year term. The NELAP Director, after consulting with the NELAC Board, shall appoint the members of the PT Board. The chairperson is elected annually. The terms for the initial members shall be staggered from 1 to 5 years.

## SECTION 3 - DUTIES

- A. **Nominating Committee.** This committee shall:
  - 1. ~~Present a slate of nominees for all elective offices at the Annual Meeting. The names and qualifications of these nominees shall appear in the report of the Nominating Committee and be published in the Annual Meeting announcement.~~
  - 2. ~~Maintain a slate of nominees for consideration by the NELAC Director, Chairperson and/or Board of Directors when he/she/they are required to fill a vacancy or make appointments to boards, committees, task forces and study groups.~~
- B. **Membership and Outreach Committee.** This committee shall:
  - 1. Initiate invitations for membership in the House of Representatives, publicize NELAC to prospective participants, coordinate and resolve participants' concerns, establish credentialing criteria and resolve credentialing conflicts of NELAC Members;
  - 2. Solicit and develop informational materials to promote understanding and appreciation of the importance of the NELAC objectives; and;
  - 3. Promote a spirit of cooperation and timely dialogue among NELAC and all of its partners.

**C. Standards Review Committee.** This committee shall:

1. Review all standards received by NELAC from standards development organizations, review the standards for consistency with governmental, regulatory, and NELAC requirements, prepare an assessment of the advantages and disadvantages of each standard, work with the standards development organization to resolve any issues identified, present its evaluation and recommendation in a written or electronic report to the membership at least 30 days prior to the Annual Meeting, and make this report available to the public. Standards considered by this committee may include, but not be limited to, scope of accreditation, proficiency testing, on-site assessment, accreditation process, quality systems, accrediting authority, and field activities.
2. Provide NELAC with current information on regulations and laws that impact laboratory testing and accreditation. It shall also be responsible for developing model state legislation and regulations to reflect the standards adopted by NELAC.

**D. Proficiency Testing Board.** This board shall:

1. Receive and evaluate proficiency testing oversight body/proficiency testing provider accreditor (PTOB/PTPA) nominations from the NELAP recognized accrediting authorities.
2. Recommend PTOB/PTPA(s) to the NELAC Board.
3. Monitor the PTOB/PTPA(s) to assure that they are following the NELAC Standards.
4. Serve as a review board for complaints not resolved by the PTOB/PTPA(s). The PT Board will refer unresolved complaints to the NELAP Director, who will make the final decision(s) on all issues that are raised.
5. Facilitate an annual caucus on proficiency testing.
6. Collect PT data for the purpose of determining the appropriateness of proficiency test study limits.
7. Provide an annual report on the activities of the PT Board and the health of the PT Program in general to the NELAC Board at each annual meeting of the conference. The PT Board shall present an oral presentation of its findings to the NELAC Board as well.
8. Submit the annual report for posting on the NELAC website.

**SECTION 4 – SPECIAL **BOARDS**, COMMITTEES, TASK FORCES AND STUDY GROUPS**

Special **boards**, committees, task forces, and study groups may be established by the NELAC Chair**person** as the need arises or as requested by NELAC. ~~Participants~~ **Appointees** shall be ~~appointed~~ **serve** for as long as deemed appropriate ~~or as stipulated in the Constitution and/or ByLaws.~~ Upon completion of their assigned tasks, such bodies shall be dissolved by the NELAC Chair**person**.



## **SECTION 5 – SUBCOMMITTEES**

Upon request of any committee, the NELAC Chairperson may appoint a subcommittee(s) to assist that committee in fulfilling its responsibilities. The NELAC Chairperson may appoint Members and Participants in any combination, as the need arises or NELAC requests. Upon completion of their assigned tasks, such subcommittees shall be dissolved by the NELAC Chairperson.

## **ARTICLE VI - STANDARD OPERATING PROCEDURES**

### **SECTION 1 - GENERAL**

Standard Operating Procedures (SOPs) will be created as deemed necessary by the NELAC Director, the NELAC Board of Directors and/or the NELAC or NELAP Committees in order to standardize the procedures relating to the functioning of the conference. SOPs will serve the need for the administrative portions of the program, and do not address the technical aspects of laboratory accreditation, which are contained in standards.

## **ARTICLE VII - VOTING SYSTEM**

All questions before a meeting of NELAC that are to be decided by a formal recorded vote of the Members are voted upon in accordance with the following voting structures and procedures.

### **SECTION 1 - HOUSE OF REPRESENTATIVES**

#### **A. Official Designation**

This body of officials shall be known as the "House of Representatives."

#### **B. Composition**

1. Each State, Territory, Possession of the United States, the District of Columbia, and each Tribal Nation is authorized one official to serve as its representative in the House of Representatives at the NELAC Annual Meeting. The representative shall be named by the respective Governor or the Mayor for the District of Columbia, and shall remain as the named representative of that State, Territory, Possession of the United States, the District of Columbia, or Tribal Nation until such time as the Governor or Mayor appoints someone else, or the individual is no longer an employee of the applicable governmental organization .
2. Each of the nine EPA Assistant/Associate Administrators (Office of Air and Radiation; Office of Enforcement and Compliance Assurance; Office of Environmental Information; Office of Policy; Office of Prevention, Pesticides, and Toxic Substances; Office of Regional Operations and State/Local Relations; Office of Research and Development; Office of Solid Waste and Emergency Response; and Office of Water) and each of the ten Regional Administrators, or his or her designee, may appoint one Member.
3. Each cabinet level federal department (Department of Agriculture, Department of Commerce, Department of Defense, Department of Energy, Department of Interior, and Department of Health and Human Services) with environmental laboratory accreditation, certification or evaluation activities may appoint one official to the House of Representatives as determined by the Department Secretary.

4. The Nuclear Regulatory Commission may appoint one representative to the House of Representatives.
5. At the discretion of the respective Governor or Mayor, EPA Assistant/Associate Administrator, cabinet level federal department, or the Nuclear Regulatory Commission, an alternate to the House of Representatives may be named to serve when the principal is unable to attend a national meeting of NELAC. In the absence of the principal, the alternate shall be provided all of the rights and privileges of the principal in the House of Representatives, provided that he or she has met all other requirements for Membership. If the respective Governor or Mayor, EPA Assistant/Associate Administrator, cabinet level federal department, or the Nuclear Regulatory Commission has not appointed a representative to the House of Representatives, then the Members of that State, office, department or commission in the House of Delegates shall elect one of its Members to vote in the House of Representatives.

### **C. Method of Designation**

Prior to the NELAC Annual Meeting, the Executive Secretary shall certify to the Board of Directors the names of the Members and their alternates in the House of Representatives. **In the event that the Executive Secretary is unable to perform this function, the NELAC Director shall name a replacement.**

## **SECTION 2 - HOUSE OF DELEGATES**

### **A. Designation**

All other environmental officials of the States, Territories, Possessions of the United States, the District of Columbia, Tribal Nations and the federal government (those not sitting in the House of Representatives) are grouped as a body known as the "House of Delegates".

### **B. Requirements**

No other special requirements apply. The number of potential Members is not limited.

## **SECTION 3 - VOTING RULES**

### **A. Applicability**

These rules apply only to the Annual Meetings of NELAC.

### **B. Quorum**

A quorum of the House of Representatives is required for official voting. This quorum consists of fifty percent of the registered representatives from the States, Territories and Possessions of the United States, the District of Columbia, the Tribal Nations, and the federal government.

No quorum is required for a vote in the House of Delegates.

### **C. Presentation of Items for Voting**

A member of the Standards Review Committee shall present standards for voting. Options that may be used in the voting process are to vote on the entire standard, to vote on grouped items or sections,

or to vote on individual items. A member, with the support of 10 other Members, may request that the vote be on individual items.

Items other than standards shall be presented for voting by members of the Board of Directors or individuals selected by the Chairperson of NELAC.

#### **D. Voting**

At the conclusion of debate on a motion, there shall be a call for the vote, and the vote on the motion shall be taken in accordance with the following method:

##### **1. Minimum Votes**

- a. House of Representatives. A majority of the eligible and present participating representatives must cast their votes in favor of an issue for the motion to be passed. ~~At least~~ The minimum number of representatives required to establish a quorum must be present.
- b. House of Delegates. A majority of the eligible and present participating delegates must cast their votes in favor of an issue for the motion to be passed.

Note that any vote on amendments to the Constitution must be approved by a minimum of a two-thirds vote of the Members in attendance at the voting session of the Annual Meeting in both the House of Representatives and the House of Delegates.

##### **2. Motion Accepted**

The motion is accepted if it passes in both Houses.

##### **3. Disposition of Failed Motions**

- a. If the original motion fails, or if an amended motion fails, the original or amended motion is returned to the proposing committee for further consideration.
- b. The Chairperson may consider a new motion on the same subject prior to returning the issue to committee, if the conditions regarding floor amendments (Article VII, Section 4 of the Bylaws) have been met.
- c. The proposer may drop the motion or reconsider it for submission the following year.

##### **4. Proxy Votes**

Proxy votes are not permitted.

##### **5. Method of Indicating Vote**

- a. Voting is by show of hands, standing vote or machine (electronic). There shall be no voice voting.
- b. Voting by both Houses is simultaneous.

## 6. Recording

- a. The NELAC Executive Secretary is responsible for the establishment of a means for recording the vote of NELAC on any matter, as well as providing a means for the certification of eligible voters at any time a vote is called. **In the event that the Executive Secretary is unable to perform these duties, the NELAC Director shall appoint a replacement.**
- b. House of Representatives. The votes of the Representatives are recorded and published on a state-by-state or agency-by-agency basis. The NELAC Executive Secretary must confirm that a quorum was present at the time a vote was taken.
- c. House of Delegates. The vote of the Delegates are recorded as the total number of votes, and are not tabulated on a state-by-state or agency-by-agency basis.

## SECTION 4 - FLOOR AMENDMENTS

A Member can offer an amendment from the floor to **a** motion under consideration. A two-thirds majority favorable vote of each House ~~on the amendment~~ is required for passage **of an amendment made from the floor**. **Additionally, at any time** when a proposed standard is being considered, a Member may move for a vote not to be taken on the **proposed** amendment and for the standard to be returned to the Standards Review Committee for further consideration. Such **a** motion shall require a majority favorable vote in both Houses for passage. An amendment may not involve **the** modification of any proposed standard, but may require a standard to be adopted under conditions as defined in an administrative policy.

## SECTION 5 - SEATING

### A. Arrangement

The seating arrangement for voting sessions is shown in Figure 1.

### B. Supervision

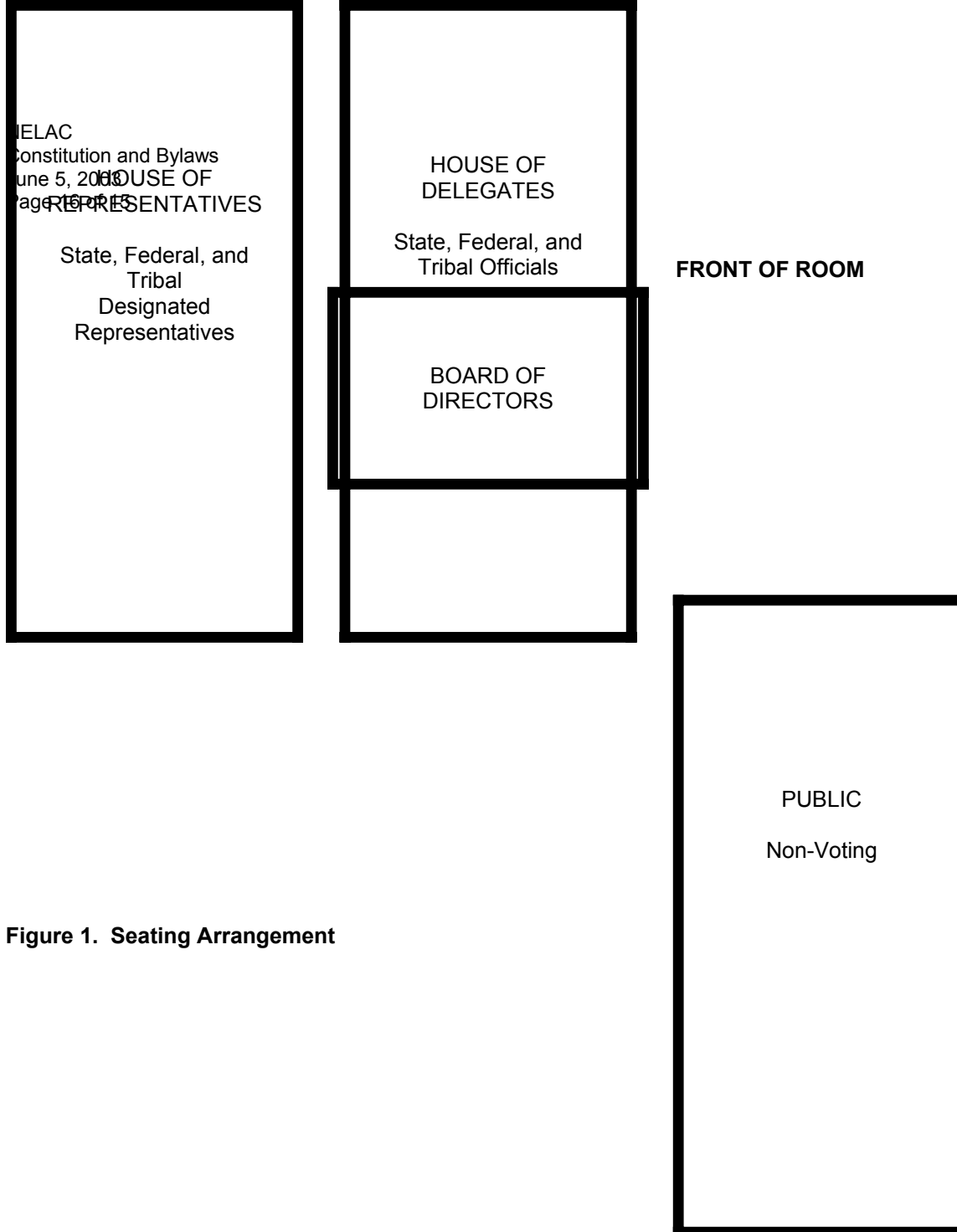
The Board of Directors shall control **the** placement and movement of ~~delegates~~ **members**. The Executive Secretary shall count votes. **In the event that the Executive Secretary is unable to oversee the vote counts, the NELAC Director shall appoint a replacement.**

## SECTION 6 - PROCEDURES

The NELAC officers and committees are to observe the principles of due process; specifically, to give reasonable advance notice of contemplated committee studies, items to be considered for committee action, and tentative or definite recommendations for NELAC action, and to provide that all interested parties have an opportunity to be heard by committees and by NELAC.

## SECTION 7 - CHANGES IN ORGANIZATION AND PROCEDURE

Changes in organization or procedure of NELAC are not effective until the Annual Meeting of NELAC following the Annual Meeting at which such proposals were approved.



**Figure 1. Seating Arrangement**

